



KINGDOM OF CAMBODIA
Nation Religion King

Permanent Mission of the Kingdom of Cambodia
to the United Nations Office, the World Trade Organization
and other International Organizations at Geneva

Geneva, 19 February 2014

Excellencies,

I am pleased to acknowledge receipt of your joint allegation letter dated on 17 February 2014 concerning the recent issues which led to the temporary ban on demonstrations imposed in Phnom Penh.

In this connection, I would like to inform Your Excellencies that the letter has been forwarded to its destination for action accordingly. Meanwhile, I wish to reiterate that the Royal Government of Cambodia attaches high importance and attention to the promotion and protection of human rights and fundamental freedoms of its people. Such rights have been enshrined, upheld and fully guaranteed by the Constitution.

While waiting for the response from the capital, I would like to update Your Excellencies on the political situation in Cambodia as mentioned clearly in the attached Press Release and Law on Peaceful Demonstration (particularly article 9) for your preliminary consideration accordingly.

Please accept, Excellencies, the assurances of my highest consideration..

Ney Samol

Ambassador, Permanent Representative

-H.E. Mr. Surya Prasad Subedi,

Special Rapporteur on the situation of human rights in Cambodia

-H.E. Mr. Frank La Rue,

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

-H.E. Mr. Maina Kiai,

Special Rapporteur on the rights to freedom of peaceful assembly and of association

-H.E. Ms. Margaret Sekaggya,

Special Rapporteur on the situation of human rights defenders

Office of the United Nation High Commissioner for Human Rights

Palais des Nation

CH-1211 GENEVE 10

Press Release

The Updated Political Situation of the Kingdom of Cambodia

1- The opposition Party's protest:

- Since December 15th, 2013, under the pretext of protesting the election results, the opposition party has set up a permanent foothold in Democracy Park and marched along various streets in Phnom Penh, which is a violation of Peaceful Demonstration Law. However, the Royal Government of Cambodia has cooperated and coordinated everything to ensure the opposition's daily protests are peaceful, secure, and to prevent the violence.
- Furthermore, the opposition party has incited factory workers across the country to join its own protest under the pretext of raising the workers' wages. As a result of this, many factories suffered interruptions to its productivity, disturbance to its operation and destruction of its properties, in some cases, even damage to other private properties. The protestors even surrounded the Ministry of Labor and confined the Ministry's civil servants within the building and prevented them from leaving. On January 2nd and 3rd, 2014, the protestors turned violent in the industrial Canada Park on Veng Sreng road and destroyed private properties, blocked public roads, formed a mob, and used many makeshift weapons (such as Molotov cocktails and slings with steel pebbles) on security forces who were only tasked with reopening streets and facilitating traffic.
- Due to its aggressive nature, this protest is no longer a display of freedom of peaceful demonstration and has become an insurrection. In such a dire situation, the authorities have an obligation to maintain safety, security and social order as well as exercise self-defense and arrested some people suspected of inciting violence.
- This clash has resulted in 4 deaths and 53 injured so far to protestors and security forces.
- The Royal Government of Cambodia has formed a special commission to investigate the accidents that occurred on January 2nd and 3rd, 2014, find the cause of the violence and bring the perpetrators who incite it to justice. At the

same time, another special commission has been formed to investigate and assess of damages across the country that resulted from this violent demonstration.

- The Royal Government of Cambodia has also established a new mechanism to study the case of the minimum wages for workers with transparency and participation from all relevant parties. Meanwhile, Royal Government of Cambodia has already started the salary increase process for civil servants, military, and police to further reduce the gaps between low and high wages.

2- The temporary suspension of the opposition party's protest:

- On January 4, 2014, the Phnom Penh Municipality decided to temporarily suspend all forms of demonstrations and marches until public order is restored. This temporary suspension is not a suppression of protestors' freedom of expressions, but an enforcement of Article 9 of the Peaceful Demonstration Law.

3- Legal measures to the violent protest on January 2nd and 3rd, 2014:

- Democracy and the rule of law must go hand in hand. The exercise of the right to freedom of expression cannot infringe upon the right and dignity of other person, or violate public law and order or compromise the national security. Wrongdoers shall and will be held responsible and liable.
- Within the framework of its jurisdiction, prosecutors from Phnom Penh Municipal Court opened an investigation on incitement cases in criminal behavior or social chaos. In accordance to investigative legal procedures, three people (Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] were summoned to court to provide clarifications, however, they have not been formally charged by the court on any count of wrongdoing.

4- Resolution to the political situation in Cambodia:

- The ruling party, the Cambodian People's Party, welcomes the return of the opposition party back to the negotiating table on democracy principals and rule of law.
- The Cambodian People's Party strong believe that resolutions can be achieved through peaceful negotiations instead of violent protests in the street. It is calling for the Cambodia National Rescue Party to stop all acts inciting violence and social chaos, and urgently return to the negotiating table in order to peacefully resolve issues together for the sake of peace, stability, prosperity, and harmony of the nation in the future.



ROYAL KRAM (Royal Code)

NorSor/ RorKorMor/ 1209/ 025

We,

Preahkaruna Preah Bath Samdech Preah Boromneath Norodom Sihamoni
Samanphoum Cheatsasna Rakhatkateya Khemrarotheas
Puthinthrea Thoremohaksat Khemreachnea Samohorpheas
Kampuch Ekreachroathboranaksanteh Sopheakmongkulea Sereyvibolar
Khemarasreypireas Preah Chao Krong Kampuchea Thipadey,

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NorSor/ RorKorTor/ 0908/ 1055 dated September 25, 2008 on the appointment of the Royal Government of Cambodia;
- Having seen Royal Kram (Royal Code) No. 02/ NorSor/ 94 dated July 20, 1994 promulgating the law on the organization and functioning of the Council of Ministers;
- Having seen Royal Kram (Royal Code) No. NorSor/ RorKorMor/ 0196/ 08 dated January 24, 1996 promulgating the law on the establishment of the Ministry of Interior;
- Having seen the proposal of Samdech Akeak Moha Sena Badey Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, and of Minister of Interior,

Promulgate

Law on Peaceful Assembly as adopted by the National Assembly on October 21, 2009 at the 3rd plenary session of the 4th legislature, and as approved by the Senate as to its entire form and substance without further revision on November 17, 2009 at the 6th plenary session of the 2nd legislature, and whose meaning is as follows:

Chapter 1 General Provisions

Article 1

This law is aimed at determining the organization and functioning of a peaceful assembly in the Kingdom of Cambodia.

Article 2

The purpose of this law is to assure freedom of expression of Khmer citizens through peaceful assembly, but this right shall not be used abusively affecting the rights, freedoms and honor of others, good customs of the national society, public order and national security.

Article 3

The scope of implementation of this law extends to all peaceful gatherings or marches for demonstration in the Kingdom of Cambodia, but it shall not be applicable to:

1. Meetings or gatherings or marches during the electoral campaign rallies;
2. Gatherings inside or outside, adjacent to the fence of a factory or enterprise or other institution in regard to labor disputes, which is covered by the labor law;
3. Parades, funeral processions and other gatherings for the purposes of serving religion, art, culture, national customs and tradition and educational dissemination activities for social interests.

Article 4

The peaceful assembly refers to a gathering or a march conducted by a group of people to publicly demand, protest or express their sentiments, opinions or will by using various forms or means peacefully.

Chapter 2 Procedure of Notification on Conducting Peaceful Assembly

Article 5

Any group of individuals who wishes to organize a peaceful assembly at any public venue shall notify the competent municipal or provincial territorial authorities in charge of that place in writing.

Article 6

The notification letter shall indicate:

- Family name, given name and permanent address for the contacts of three (3) leaders attached with a photocopy of their Khmer national identification cards;
- Purposes for holding the peaceful assembly;
- Date, time and duration of peaceful assembly, venues and passages to be used for activities, number of participants and number of vehicles involved by category.

All applicants in the notification letter shall ensure respect and abide by their responsible roles and duties as stipulated in article 16 of this law.

Article 7

Notification letter shall be submitted at the municipal or provincial hall at least five (5) working days prior to the due date of holding the peaceful assembly.

Article 8

Upon receiving the notification letter, the municipal or provincial hall:

1. shall issue an acknowledgement receipt in writing to the applicants of the notification letter;
2. shall post the notification letter immediately at a visible place in its administrative building or on its official homepage;
3. shall deliver copies of the notification letter to the local police station, gendarmerie station and other competent authorities relevant to the venue of the demonstration.

Article 9

Competent municipal or provincial territorial authorities shall respond positively in writing toward the notification letter except if:

- the peaceful assembly is to be held on the King's birthday, coronation day, water festival, national independence day, Khmer new year day and Pchum Ben day.
- There is clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order.

Article 10

Competent municipal or provincial territorial authorities shall examine and respond within a maximum period of three (3) working days starting from the date of which the notification letter was submitted. If the competent municipal or provincial territorial authorities fail to respond by the due date for holding the peaceful assembly, that implies the competent municipal or provincial territorial authorities have approved.

Article 11

In case the competent municipal or provincial territorial authorities have clear information indicating that the demonstration may cause danger or would seriously jeopardize security, safety and public order, the municipal or provincial territorial authorities shall immediately respond to and notify the filers of the notification letter, so that they will have time to meet with local authorities and other relevant authorities to discuss solutions.

Article 12

Upon discussion, if both parties fail to reach an accord, the competent municipal or provincial territorial authorities shall request the Minister of Interior to provide a decisive opinion.

Article 13

The decision of the Minister of Interior shall be rendered in writing and delivered to the filers of the notification letter within twenty-four (24) hours at the latest, prior to the scheduled peaceful assembly. Copies of decisions and details of the agreed revision shall be delivered to the relevant competent authorities and other authorities whose territories may be affected by the peaceful assembly.

Article 14

No indication and assurance as set forth in paragraph 1 of article 6 of this law is required, but just a written notification with signatures or thumbprints and attaching copies of the Khmer national identification cards of three (3) leaders of the peaceful assembly shall be given to the competent municipal or provincial territorial authority at least twelve (12) hours in advance within working days or thirty-six (36) hours in advance within holidays if the peaceful assembly is to be held at the following venues:

1. at the freedom parks created appropriately in compliance with laws or regulations, and where that peaceful assembly is to be conducted by a maximum of two hundred (200) persons for each municipality or province; or
2. at the places of private property or in, case of collective property, there is approval from the landlord or the board in charge of the management over the collective property, and where the peaceful demonstration is to be conducted by a maximum of two hundred (200) persons.

But in case there are more than two (02) different groups of peaceful assembly and they all wish to hold the assembly at the same venue and time, the competent municipal or provincial territorial authority shall decide in favor of the group who first submits its notification letter to hold first or may allow another group to hold

the assembly at another venue at a distance of at least five hundred (500) meters away.

The peaceful assembly as stipulated in this article may be held from six (6) a.m. to six (6) p.m. only.

Chapter 3

Responsibilities of Demonstration's Leaders and Competent Authorities

Article 15

If the peaceful assembly is agreed, the march will take place on public roads, the local authority of commune/Sang Kat, district/municipality/Khan, province/capital, or any officials designated as representatives shall collaborate with local police and gendarmerie officers to prevent negative consequences by designating the route thereof which is appropriate and convenient to the vehicles to avoid serious disturbance to businesses, services, commercial or other trading activities.

Article 16

Leaders of peaceful assembly shall be responsible in taking appropriate measures to maintain that the demonstration will proceed peacefully and to abide by the following conditions:

1. to inform participants about their own responsibilities as set forth in paragraph 3 of this article;
2. to discuss and collaborate with local officers and relevant competent authorities in order to ensure that the demonstration will proceed peacefully;
3. to conserve order properly and duly in accordance with designated time and venue starting from the beginning till the end of the peaceful assembly.

Article 17

Competent authorities shall take measures to protect the peaceful demonstration ensuring the security safety and public order and shall not interfere with the conduct of the peaceful assembly.

Article 18

Upon the request for assistance from the leaders of a peaceful assembly, competent authorities shall endeavor to respond with full attention towards appropriate requests in accordance with the law in order to ensure the exercise of

their right to freedom of peaceful assembly and the exercise of their right to freedom of expression publicly with dignity.

Article 19

Competent authorities designated to maintain security, safety and public order at venues of peaceful assembly shall wear proper uniforms and display name plates and identity codes on the front parts of their uniforms and shall adhere to the attitude of absolute patience.

Article 20

Peaceful assemblies with approval, including implied approval by municipal or provincial territorial authorities who fail to respond as set forth in article 10 of this law, shall not be dispersed.

In case a peaceful assembly turns violent, competent authorities shall take proper measures to prevent and stop the demonstration immediately.

Although a demonstration proceeds peacefully, if no notification letter has been submitted in accordance with article 5, 6 and 14 of this law, competent authorities may take actions to cease such a demonstration.

Chapter 4

Procedure Dealing with Offenses and Penalty Provisions

Article 21

Shall be warned in writing, any leader of peaceful assembly who violates article 5, article 16 and article 20 (paragraphs 2 and 3) of this law.

Article 22

Shall be warned in writing, any territorial authority officer or competent authority officer who violates article 17, article 18, article 19 and article 20 (paragraphs 1 and 2) of this law.

Article 23

In case any demonstrator carries tool(s) which may inflict danger or harm to others or commits any act as to interfere with the rights and freedoms of others, competent authorities shall confiscate such tool(s) or forbid such demonstrator from committing such further acts. If that person stubbornly refuses to give the tool(s) or refuses to cease from committing the act, competent authorities shall temporarily take into custody that person until the peaceful assembly finishes completely, then that person will be released, but only if there is no other offence committed.

Article 24

In case any demonstrator carries weapons or explosive substances, the competent authorities shall confiscate those weapons or explosive substances, take into custody, make arrest/s and send that person(s) to the competent institutions for a solution according to the laws in force.

Article 25

Anyone who takes advantage, during the peaceful assembly, to commit larceny, robbery or to cause damage to private properties or public properties shall be punished according to criminal laws in force.

Article 26

If processes of peaceful assembly turn violent causing damage either to private properties or to public properties, compensation shall be the responsibility of the perpetrators and accomplices.

In case they will not be able to pay for the compensation, competent authorities shall file a case and submit it to the court.

Article 27

If processes of peaceful assembly turn violent, those who commit offences injuring or causing death to competent authorities or demonstrators or other individuals shall be punished in accordance with the criminal laws in force.

Chapter 5 Transitional Provision

Article 28

Within six (6) months after the entry into force of this law, each capital and province shall create a "Freedom Park" by choosing an appropriate compound or center, which the general public can easily hear and see, in their respective territorial jurisdictions for holding peaceful assembly or public expression as set forth in article 14 of this law.

Chapter 6 Final Provisions

Article 29

The law on peaceful assembly as adopted by the National Assembly of the State of Kampuchea on December 27, 1991 and promulgated by Decree No. 115

Kror dated December 28, 1991 and all provisions which contradict to the essence of this law shall be abrogated.

Article 30

This law is declared to be urgent.

Royal Palace, Phnom Penh, December 05, 2009

PorRorLor. 0912. 1155

Royal Signature and Royal Stamp

Norodom Sihamoni

Having proposed to His Majesty the King to sign

Prime Minister

Signature

Samdech Akeak Moha Sena Badey Techo Hun Sen

Moha Sena Badey
of the Kingdom of

Deputy Prime Minister, Minister of Interior

Signature

Sar Kheng

No. 1067 ChorLor

For Copying and Distribution

Phnom Penh, December 9, 2009

Deputy Secretary General of the Royal Government

Signature and seal

Khun Chinken

No: 1067 Chor.Lor

For copy and dissemination

Phnom Penh, December 09, 2009

Under General Secretariat of the Royal Government